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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 FREDERICK GEORGE ROEHLER
12 II,

13 Plaintiff,

14 v.

15 L. LUNDY, et al.,

16 Defendants.
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Case No. 2:24-cv-01269-JWH-SSC

**ORDER ACCEPTING
FINDINGS, CONCLUSIONS,
AND RECOMMENDATIONS OF
UNITED STATES
MAGISTRATE JUDGE**

1 Pursuant to 28 U.S.C. § 636, the Court has reviewed all of the
2 records herein and the Report and Recommendation of United States
3 Magistrate Judge to which no objections were filed. The Court hereby
4 **ORDERS** as follows:

5 1. The findings and conclusions of the Magistrate Judge in the
6 Report and Recommendation are **ACCEPTED**.

7 2. Defendants' motion to dismiss (ECF 21) is **GRANTED in**
8 **part** and **DENIED in part**, as follows.

9 a. Defendants' motion to dismiss is **DENIED** with respect
10 to Plaintiff's Eighth Amendment claim against Defendants Doe
11 No. 1, Prolo, and Sodergren.

12 b. Defendants' motion to dismiss is **GRANTED** with
13 respect to Plaintiff's Eighth Amendment claim against Defendants
14 Lundy, Johnson, Ulstad, Williams, and Rivera.

15 c. Defendants' motion to dismiss also is **GRANTED** as to
16 Plaintiff's Fourteenth Amendment and ADA claims against all
17 defendants.

18 d. Plaintiff's Eighth Amendment claim against
19 Defendants Lundy, Johnson, Ulstad, Williams, and Rivera, and
20 Plaintiff's Fourteenth Amendment and ADA claims, are
21 **DISMISSED without prejudice** and **with leave to amend**.

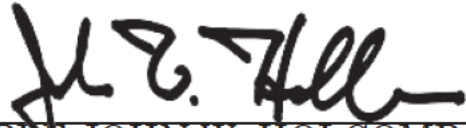
22 3. Within 30 days of this order, Plaintiff shall file one of the
23 following, as outlined in the Report and Recommendation:

24 a. a notice of intent to proceed on his Eighth Amendment
25 claim against Defendants Doe No. 1, Prolo, and Sodergren ONLY;
26 or
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b. a Second Amended Complaint.

IT IS SO ORDERED.

DATED: December 30, 2024

A handwritten signature in black ink, appearing to read "J.W. Holcomb", is written over a horizontal line.

HONORABLE JOHN W. HOLCOMB
UNITED STATES DISTRICT JUDGE